IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR
: PRESENT :
THE HON'BLE MR.JUSTICE : T. CH. SURYA RAO

CRIMINAL PETITION No.4086 of 2004

Between:
1.B. Naveen Nischal (A1)
2.G.Jacob @ Yakub (A2)
3.Jubera @ Siva (A3)
4.Shaik Mustafa @ Yadagiri (A4)
5.V.K.Srinivasulu @ Seena (A5)
6.B.Nagaraju (A6) .. Petitioner(s)/Accused

And

The State of A.P. rep. by its Public Prosecutor,
High Court of A.P. Hyderabad.

.. Respondent

Petition under Section 437 & 439 of Crl.P.C. praying that in the circumstances stated in the affidavit filed herein, the High Court will be pleased to enlarge the petitioners on bail in connection with the Crime No.36 of 2004 of Hindupur Railway Police Station, Hindupur, Ananthapur District.

The Petition coming on for hearing, upon perusing the petition and the grounds filed herein and upon hearing the arguments of Mr.N. Ranga Reddy, Advocate for the Petitioners and of the Public Prosecutor, on behalf of the Respondent.

The Court made the following ORDER :

"The petitioners seek bail in connection with the crime registered against them under Section 394 of the Indian Penal Code. The request of the 1st petitioner for anticipatory bail has not been considered earlier by this Court. Having regard to the nature of the accusations and back drop of the case instead he has been directed to surrender before the Court and seek bail. Accordingly it appears the 1st petitioner surrendered himself before the lower Court and since then he has been in judicial custody. The other petitioners have been arrested during the course of investigation.

It is represented by the learned Addl. Public Prosecutor that the test identification parade is to be conducted and therefore, it is not the stage to consider the request of the petitioners for bail.

The 3rd proviso of sub-section 1 of Section 437 of I.P.C. says that the mere fact that the accused person is required for being identified by witnesses during the test identification parade shall not be a sufficient ground for refusing to grant bail. Having regard to the order passed by the court earlier, the request of the petitioners for bail may be considered.

In the result, the criminal petition is allowed and the petitioners shall be enlarged on bail on each one of them executing a bond of Rs.5,000/- with two sureties for a like sum each to the satisfaction of the Judicial Magistrate of I Class, Railways, Guntakal."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1.The Judicial Magistrate of I Class, Railways, Guntakal, Ananthapur District.
2.The Officer in Charge, Sub-Jail, Gutti.
3.The Officer in Charge, Sub-Jail, Dharmavaram, Ananthapur District
4.The Station House Officer, Hindupur Railway Police Station, Hindupur, Ananthapur District.
5.Two CCs to the Public Prosecutor, High Court of A.P. Hyderabad.(OUT)
6.One spare copy.

H.A.

DRAFTED BY : H.A.
COMPARED BY :

HIGH COURT

TCSRJ

DT: 05-09-2004

ORDER :

CRL.P.NO.4086/04

DIRECTION TO ENLARGE THE PETITIONERS ON BAIL.